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QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

Report of the Working Group on the Right to Development on its second session

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Introduction

1. By its resolution 1993/22, the Commission on Human Rights decided to establish, initially for a three-year period, a Working Group on the Right to Development, composed of 15 experts nominated by Governments to be appointed by the Chairman of the Commission on Human Rights at its forty-ninth session, on the basis of equitable geographical representation and in consultation with the regional groups in the Commission, with the following mandate:

(a) To identify obstacles to the implementation and realization of the Declaration on the Right to Development, on the basis of information furnished by Member States and other appropriate sources;

(b) To recommend ways and means towards the realization of the right to development by all States.

2. The World Conference on Human Rights, which adopted the Vienna Declaration and Programme of Action on 16 June 1993, urged the Working Group to formulate promptly, for early consideration by the United Nations General Assembly, comprehensive and effective measures to eliminate obstacles to the implementation and realization of the Declaration on the Right to Development and to recommend ways and means towards the realization of the right to development by all States (para. II.72).

3. The Working Group, which held its first session from 8 to 19 November 1993, submitted its report on its first session to the fiftieth session of the Commission on Human Rights (E/CN.4/1994/21 and Corr.1 and 2).

4. By its resolution 1994/21, the Commission on Human Rights took note with appreciation of the report of the Working Group on the Right to Development on its first session and welcomed the efforts made by the Working Group, which were increasingly oriented towards the establishment of a permanent evaluation mechanism in the future, to follow up the implementation of the Declaration on the Right to Development. It urged the Working Group to make recommendations on the implementation of the right to development, taking into account policies at the national and international levels, particularly towards the creation of a favourable international economic climate which would be more responsive to the needs of the developing countries, as well as to give priority to the special needs of the least developed countries, and requested the Working Group to submit to the Commission at its fifty-first session a report on the progress of its work during 1994.

5. By its resolution 1994/11, the Commission on Human Rights requested the Working Group to pay particular attention in its deliberations to the social repercussions of the policies adopted to face situations of external debt on the effective enjoyment of economic, social and cultural rights.

6. By its resolution 48/130, the General Assembly welcomed the convening of the first session of the Working Group on the Right to Development and requested the Secretary-General to report to the forty-ninth session of the

General Assembly on the activities of the organs, programmes and institutions of the United Nations system to implement the Declaration on the Right to Development.

7. The Working Group decided to focus its attention, during its second session, on the obstacles to the implementation of the Declaration on the Right to Development, as they relate to the work of the United Nations, its programmes and the agencies directly linked to it, as well as the work of the international financial institutions which have presented their objectives and shared their concerns and experiences with the Group.

8. The present report describes the proceedings of the second session of the Working Group on the Right to Development. It is an interim report which will be supplemented by the report on the second session, to be held in September or October 1994.

Opening and duration of the session

9. The second session of the Working Group on the Right to Development (2-13 May 1994) was held at the Palais des Nations, Geneva, and was opened by its Chairman-Rapporteur, Mr. Ennaceur. The Working Group held 17 plenary meetings 1/ and 1 restricted drafting group meeting.

10. At its second meeting, on 2 May, the High Commissioner for Human Rights, Mr. Ayala Lasso, addressed the Working Group.

11. In order to promote high-level debate on the role of the specialized bodies and agencies in the implementation of the Declaration on the Right to Development, the Working Group invited to that session senior international officials exercising or having exercised responsibilities at the head of such bodies and agencies, and a number of them responded favourably and made an appreciable contribution to the discussions. Thus it was that Mr. Blanchard, former Director-General of the International Labour Office, Mr. Radwan, Director of the Department of Technical Cooperation at the ILO, Mr. de Capitani, Director of Public-Sector Management at the World Bank, Mr. Berthelot, Executive Secretary of the Economic Commission for Europe, Mr. Fortin, Secretary-General ad interim of the United Nations Conference on Trade and Development, and Mr. Alston, Chairman of the Committee on Economic, Social and Cultural Rights participated in the meetings of the Working Group.

12. Other appreciable contributions were made by Mr. Français of the United Nations Development Programme, Mr. Robineau of the Economic Commission for Europe and Mr. Taplin of the International Monetary Fund.

13. The Working Group wishes to thank them all and hopes that it can continue to benefit from the cooperation and contributions of the specialized international bodies and agencies.

Composition of the Working Group and attendance

14. The Working Group on the Right to Development at its second session consisted of the following 15 experts: Mr. D.D.C. Don Nanjira (Kenya), Mr. Mohamed Ennaceur (Tunisia), Mr. Alexandre Farcas (Romania),

Mr. Orobola Fasehun (Nigeria), Mrs. Ligia Galvis (Colombia), Mr. Stuart Harris (Australia), Mr. Stéphane Hessel (France), Mr. Serguei Kossenko (Russian Federation), Mr. Osvaldo Martínez 2/ (Cuba), Mr. Niaz A. Naik (Pakistan), Mr. Pedro Oyarce (Chile), Mr. Pan Sen (China), Mr. Allan Rosas (Finland), Mr. Haron Bin Siraj (Malaysia), and Mr. Vladimir Sotirov (Bulgaria). Mr. Hessel and Mr. Martínez joined the Group on 4 and 9 May, respectively. Mr. Sotirov attended from 2 to 6 May.

15. Observers from States members of the Commission, observers from other States members of the United Nations and representatives of United Nations bodies, specialized agencies and intergovernmental and non-governmental organizations attended the session. The list of participants can be found in Annex I.

Adoption of the agenda

16. The Working Group adopted the agenda for its second session on the basis of the provisional agenda (E/CN.4/AC.45/1994/1). The agenda as adopted is contained in Annex II.

Documentation

17. In order to perform the tasks entrusted to it, the Working Group took as a basis the documents prepared by the Secretary-General, in particular the report containing information transmitted by the specialized agencies (E/CN.4/AC.45/1994/2 and Add.1).

18. It also had at its disposal documentation prepared for the forthcoming international conferences, such as the International Conference on Population and Development (Cairo, 5-13 September 1994), the World Summit for Social Development (Copenhagen, 11-12 March 1995) and the Fourth World Conference on Women (Beijing, 4-15 September 1995).

19. The list of documents before the Working Group at its second session can be found in Annex III.

I. FOLLOW-UP TO THE RECOMMENDATIONS OF THE FIRST SESSION

20. The Working Group noted the interest that the Commission on Human Rights had shown in its first report which had been submitted to the fiftieth session of the Commission (E/CN.4/1994/21 and Corr.1 and 2) and the encouragement it had received to continue and deepen its debate and reflections on the implementation of the Declaration on the Right to Development. The Working Group noted the adoption by the Commission of resolution 1994/21 entitled "The right to development" and expressed its satisfaction that the recommendations it had made at its first session had been endorsed by the Commission.

21. It equally noted Commission on Human Rights resolutions 1994/11 entitled "Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development", as well as resolutions 1994/12, 1994/13, 1994/14, 1994/21, 1994/22 and 1994/63.

22. The Working Group took note of the requests made by the Commission in paragraph 6 of resolution 1994/21 and paragraph 5 of resolution 1994/11, and decided to consider these at one of its next sessions.

23. The Working Group noted that the High Commissioner for Human Rights had met with members of the Administrative Committee on Coordination (ACC) at its first substantive session for 1994, where he had made certain recommendations towards enhancing the support from relevant bodies of the United Nations system to promote and protect the realization of the right to development. During that meeting, he had outlined two levels of cooperation and coordination that could be envisaged to reinforce, rationalize and simplify activities to promote human rights. The first level concerned the definition and follow-up of inter-agency policy within the ACC to enable the heads of the agencies and programmes to address effectively questions of policy and implementation. The second level related to contacts through established or expanded mechanisms to ensure, on a daily basis, cooperation with the United Nations system of activities related to human rights. He also expressed his conviction that the participation of the United Nations bodies and specialized agencies in the sessions of the Working Group and their contributions would assist in the development of long-term strategies for the promotion and implementation of the right to development.

24. The Working Group welcomed the commitment which the High Commissioner had expressed to pursue personally the request made by the Commission on Human Rights to the United Nations to undertake high-level consultations with heads of State or Government, heads of multilateral financial institutions, specialized agencies, intergovernmental and non-governmental organizations on adequate measures to be implemented to find a durable solution to the debt crisis of developing countries. The High Commissioner informed the Working Group that a report on the results of the consultations would be submitted to the Commission on Human Rights at its fifty-first session.

25. The Working Group noted with interest the meeting which its Chairman had had with members of the Committee on Economic, Social and Cultural Rights during its tenth session, and shared his view that a dialogue with the other human rights bodies should be further developed and channels of communication strengthened.

26. The Working Group noted that pursuant to the recommendation contained in paragraph 107 of its report on its first session (E/CN.4/1994/21), the Assistant Secretary-General for Human Rights had invited Governments, international financial institutions, the regional economic commissions, the Commission on Social Development and the Commission on the Status of Women, as well as the relevant bodies and organizations of the United Nations system, including the Department of Humanitarian Affairs, and non-governmental organizations to provide the Working Group with the necessary additional information, taking into account, inter alia, the preliminary guidelines and the check-list prepared by the Working Group.

27. The Working Group welcomed the initiative of the Assistant Secretary-General who, pursuant to the recommendation contained in paragraph 112 of the report on its first session, had personally invited the Executive Secretaries of the regional economic commissions and the heads of

the international financial institutions to participate actively in the sessions, of the Working Group and to contribute substantially to its work.

28. In relation to the recommendation contained in paragraph 109 of its first report, the Working Group noted that the next meeting of the Chairpersons of the treaty bodies would be held from 19-23 September 1994 in Geneva and it considered whether its third session should coincide with that meeting so that a joint consultative meeting might be arranged at that time, as recommended by the Working Group. Alternatively, it was proposed that the meeting of chairpersons postpone its meeting until next year.

29. In conclusion, the Working Group took note that consultations were under way with the Technical Services and Information Branch of the Centre for Human Rights and the Department for Public Information to discuss ways to achieve wide and effective dissemination of the provisions of the Declaration on the Right to Development.

II. IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT BY THE INTERNATIONAL ORGANIZATIONS

(Text prepared by a drafting group and not yet considered by the Working Group)

30. At its second session, the Working Group entered into a process of consultation with the representatives of the various bodies and agencies with a twofold objective: (i) to obtain further information on the implementation of the right to development in their programmes and activities and evaluate the obstacles to its implementation; and (ii) to explore in a preliminary manner, and in cooperation with those institutions, ways and means by which they have implemented or could implement in the future the right to development.

31. The Working Group expressed its appreciation to those agencies which had contributed by their written, and even more so by their oral, statements in clarifying the problems in the implementation of the Declaration. It considered essential that the dialogue be pursued further and that it should include all other multilateral agencies concerned, at the most appropriate level, in order to make the dialogue as operational as possible.

32. A number of representatives indicated that they had, either implicitly or explicitly, taken into account the principles and objectives contained in the provisions of the Declaration on the Right to Development. The Working Group was particularly pleased that one agency, UNFPA, had already incorporated the right to development in the material it was preparing for the International Conference on Population and Development to be held in Cairo later this year. In general, however, this recognition was confined to general principles and much more has to be done to translate it into operational reality.

33. The first major constraint on the implementation of the right to development related to insufficient transfers from multilateral, bilateral and private sources, as compared with the growing needs. In addition, the available aid is increasingly being redeployed to meet emergency needs.

34. A second constraint, one within the international agencies, was the unequal distribution of these resources, with too little being devoted to social, as distinct from primarily economic, purposes. A further constraint on the implementation of the right to development by the agencies comes from their overwhelmingly sectoral approach and the excessive emphasis on economic growth. Representatives of some agencies, such as UNDP, indicated that a reorientation of the organization's approach was under way under the influence, in particular, of a number of world conferences, notably UNCTAD VIII held in Cartagena in 1992, the Earth Summit held in Rio de Janeiro in 1992, and the World Conference on Human Rights held in Vienna in 1993. It was to be expected that these new orientations would be reinforced as a result of the forthcoming International Conference on Population and Development in Cairo in 1994, the World Summit for Social Development in Copenhagen in 1995 and the Fourth World Conference on Women in Beijing in 1995.

35. Many agencies referred to the greater level of social problems emerging in the world and the increasing difficulties facing the world in providing social protection. The trends already experienced implied that while such aspects as popular participation, democratization and strong social policies are essential for the implementation of the right to development, the means available to achieve these objectives have been greatly deficient.

36. In the case of structural adjustment programmes, the need to introduce social safety nets aimed at mitigating the negative social effects of the programmes presented the risk that, unless care was taken, they could become a substitute for global macroeconomic policies.

37. The Declaration on the Right to Development requires, inter alia, that the balance be preserved between economic and social development. The adoption by the World Conference on Human Rights of the concepts contained in the Declaration entails, among other things, a duty to cooperate at the international level. The concepts contained in the Declaration should therefore form, within their areas of competence, an integral part of the policies and programmes of all United Nations bodies and agencies as well as that of the Bretton Woods institutions, including the newly-established World Trade Organization. As such, the Declaration could be a guiding instrument in bridging the gap between macroeconomic policies and social objectives, as well as the gap between the institutions dealing with questions relating to human rights and social problems and those involved in areas such as finance, economic development and political and legal affairs.

38. The reports published by various United Nations bodies make clear that the objectives that the international community had in mind in framing the right to development are not being achieved for all individuals and all peoples, given the deterioration in the standard and conditions of living of large proportions of the world population and the rising social scourges, such as illiteracy, unemployment and poverty, in spite of the efforts of the multilateral agencies.

39. The multidimensional character of the right to development requires that all the United Nations bodies and agencies act together, in harmony, to achieve the common objectives. Insufficient coordination within the United Nations system is a major obstacle to the realization of the right to

development. The efforts made so far to improve coordination have not yet achieved the desired results. Each of the specialized agencies, although formally linked to the United Nations system, is accountable only to its own governing body from which it derives its mandate. Furthermore, even the major programmes of the United Nations have an autonomy which is comparable to that enjoyed by the specialized agencies.

40. The existing coordinating machinery, such as the Administrative Committee on Coordination and the Consultative Committee on Programme and Operational Questions have not been allowed to address this question effectively. And the Economic and Social Council has been a weak link in the system. Strong and effective political support by member States would be required to make the concept of the right to development operational. The Working Group regarded the need for greater coordination and more transparency in the collection and allocation of resources within the United Nations system as requiring particular emphasis.

41. One of the weaknesses of the United Nations system which hindered the integration of the principles contained in the right to development in its operational activities was the tendency to separate economic development from social development and macroeconomic policies from social objectives. Moreover, the imperatives of economic growth imposed themselves on the social objectives of development. The problem was accentuated by the continuing marginalization of economic and social rights within the United Nations system.

42. Obviously, the right to development is not stated as such in the mandates of these international organizations. In fact, one does not find in the broad structures of the programmes of these organizations the concept of the right to development either as a universal right, due to every human being and to all peoples, or as a multidimensional global right, whose economic, social, cultural and political aspects are perceived as interdependent and complementary. Moreover, international organizations had adopted only a partial and fragmented approach to human rights with the result that their implementation was carried out in a selective and hierarchical manner.

43. The Working Group felt that further wide-ranging dialogues with the agencies would clarify how they could contribute towards making the right to development more operational. Although only a few of the agencies had the opportunity to respond specifically to the Working Group's guidelines and check-list of questions, the evidence from those that did indicates that they provide a useful basis for such dialogue.

44. In the final analysis, the right to development is more than development itself; it implies a human rights approach to development, which is something new. For the right to development to be fully effective as a human right, at least two elements are required. First, minimum standards to measure progress achieved in the implementation of the Covenant by States parties have been established with respect to the International Covenant on Civil and Political Rights; this process seems to have lagged behind with respect to the International Covenant on Economic, Social and Cultural Rights. Such minimum standards should be established. In pursuing this objective, account must be taken of the practical difficulties arising from differences existing both

within and between countries which are likely to lead to different minimum standards. Second, there is a need for a process of accountability. It is perhaps in this regard that close cooperation with the Committee on Economic, Social and Cultural Rights and other related bodies would be critical.

III. OBSTACLES TO THE REALIZATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

45. The Working Group felt that for the identification of obstacles to the realization of the right to development, it should focus on specific obstacles related to the right to development as a universal human right, pertaining to all individuals and all peoples, and as a right highlighting the indivisibility and interdependence of all human rights, be they economic, social and cultural, or political or civil, as set out in the international Bill of Human Rights. This implied the existence of standards as well as a responsibility to implement the standards. Finally, the right to development should be seen as a right which required international cooperation, in conformity with articles 3, 4 and 6 of the Declaration on the Right to Development.

46. The Working Group thought that it was particularly timely to give more attention to the new obstacles to the realization of the right to development (E/CN.4/1994/21; (para. (c)) as a result of the profound changes in the world and at the international level. These obstacles could be identified at the international, regional and national levels.

47. As the Working Group, at its first session, had not had sufficient time to consider in depth the obstacles to the implementation of the Declaration on the Right to Development, it considered it opportune to reflect further on this issue. The identification of obstacles was undertaken on the basis of the report of the Global Consultation (E/CN.4/1990/9/Rev.1, paras. 161-169) and the contributions which were received from international organizations for the preparation of the report of the Secretary-General submitted in accordance with Commission on Human Rights resolution 1993/22 (E/CN.4/AC.45/1994/2 and Add.1), as well as on the exchange of views which the members of the Working Group had with representatives of the agencies present at its second session.

Obstacles at the international level

48. The Working Group underlined that as a consequence of the globalization of the world economy, new obstacles to the right to development had emerged, such as the shrinking of the freedom of action enjoyed by governments to set their economic policies and adjust them to their development needs; less predictability in the evolution of economic conditions, which also inhibited consistency in the implementation of development strategies; and the increased marginalization of already vulnerable countries.

49. The Working Group noted that the international community, as one of the two principle actors in the realization of the right to development, was not always capable of setting rules and instituting machinery for cooperation whereby external economic obstacles to development could be eliminated, or of adopting special bilateral or multilateral measures to protect the weakest and

most vulnerable countries, or of strengthening arrangements and actions designed to handle global problems - such as the environment, drug abuse, etc. - which posed an obstacle to the right to development.

50. The Working Group also thought that within the international community, States and institutions must contribute to exercising these responsibilities in the light of their resources and their importance in the world economy. Hence, the most powerful countries would bear major responsibility in coordinating macroeconomic policies to ensure a context of a stable and predictable international environment in order to encourage, stimulate and promote human and sustainable development.

51. The Working Group felt that the system of shared responsibility for the realization of the right to development had not yet been extended to other actors, in particular to civil society, including non-governmental organizations, in order to increase their crucial role in promoting democracy and development and combating poverty. Nor had it been extended to actors in the private sector which were creators of wealth and hence agents of growth. To this effect, "ground rules" had to be laid down at the national and international levels, making it possible, inter alia, to combat the abuses of economic concentration and restrictive trade practices.

52. Other obstacles which the Working Group considered were the implementation of unilateral coercive measures in contradiction with the Charter of the United Nations the conditionalities which are in contradiction with principles of international law, the continued lack of self-determination and the reverse transfer of resources.

53. The Working Group also thought that the lack of adequate accountability procedures and mechanisms for the implementation of economic, social and cultural rights processes posed a major obstacle.

54. Growing disparities between developed and developing countries and between population categories were reflected in rising unemployment, a deterioration in living standards, acceleration in migratory movements, growing marginalization and an upsurge in poverty everywhere. These developments, and the burden of debt-servicing, had provoked a rise in social and political tensions and conflicts and increased inequalities in the access to the right to development. The trend was accentuated by the decline in the volume of aid flows for development, at a time when the need for such assistance was growing.

55. The pressure to compete internationally for capital, markets and labour is having a harmful effect on the realization of the right to development. The margin of manoeuvre available to States for the formulation of social, economic, monetary and fiscal policy is being reduced. In their competition to attract foreign capital, States have to be more cautious about fiscal policy in terms of redistribution and taxation and have to impose tight monetary policies to fight inflation, but with detrimental effects on employment.

56. There is a danger that "social safety nets" may, unless care is taken, become a substitute for global macroeconomic policies that should have as an

integral part the concept of the right to development as a universal and multidimensional global right where the economic, social, cultural and political dimensions are considered to be indivisible and complementary.

57. While developing countries have primary responsibility for their own economic and social development, in accordance with their priorities and plans, as well as their political and cultural diversities, developed countries have a special responsibility, in the context of growing interdependence, to create a global economic environment favourable to accelerated and sustainable development.

Obstacles at the regional level

58. The Working Group, in its effort to identify universal obstacles to the right to development, had requested the regional commissions to identify the difficulties which they have encountered in implementing the right to development. Along these lines, the Working Group took note of the contributions of ECLAC and ECE. Because of a lack of more information, the Working Group considered this part to be incomplete.

59. In its contribution, ECLAC pointed out that in its region, the main obstacles to development were poverty, unequal distribution of income, non-productive employment and social disintegration. It underlined the need for an integrated approach, which would involve economic policies that fostered not only growth, but also equity, and social policies that emphasized their effect on production and efficiency, not only equity. The integrated approach underscored elements of technical progress, productive employment and fair wages, investment in human resources and redistributive measures geared towards the most disadvantaged groups.

60. In his contribution, the representative of the ECE pointed out that its mandate was restricted to economic issues only and that so far it had not monitored the implementation of the right to development. He wished, however, to share some conceptual matters with the Group. He pointed to the ambiguity that had surrounded the concept of underdevelopment, which in the 1950s had been analysed simply as a delay in development as a result of lack of investment, which could be redressed in the way the North had done. The United Nations had to reconcile the unreconcilable approaches of the West and the East to development, with their different concepts of the role of the State and the private sector in the economy.

61. Nowadays, development was seen as a multidimensional process, bringing together progress in peace, economic growth, respect for the environment, social justice and democracy and pertinent to both the North and the South. Actors in the field of development were considered to be States, enterprises and NGOs.

62. The Working Group discerned that the regional commissions had problems in integrating the concept of the right to development in their work, even if their mandate was not strictly economic. There was a tendency, also at the regional level, to separate the social aspects of development from macroeconomic policies.

63. The Working Group thought that also at the regional level, the lack of accountability procedures and mechanisms posed an obstacle to the right to development.

Obstacle at the national level

64. In considering national obstacles to the right to development, the Working Group paid special attention to obstacles raised in connection with the dialogue it held with representatives of intergovernmental organizations and bodies.

65. The following comments on obstacles are not exhaustive, but merely indicative of the discussions held during the second session of the Working Group.

66. The Working Group noted that States, which are the principal actors in the realization of the right to development, are responsible for guaranteeing fundamental freedoms, respect for human rights and personal security, promoting effective, honest and equitable public administration and guaranteeing the impartial operation of the courts of law. There was a need to establish a regulatory framework and economic instruments which would ensure the transparent operation of the market and correct its deficiencies; to implement policies for the development of human resources; and to achieve equity in the allocation of resources and incomes.

67. The continued discrimination against women, indigenous peoples and minorities with respect to their right of participation and their access to health care, education, work, property and other economic, social and cultural rights was seen as a major obstacle. Another major obstacle identified by the Working Group was the persistence of racism, any other form of discrimination and intolerance.

68. The Working Group noted that the implementation and enforcement of human rights required a determined and concerted effort to achieve an effective rule of law with an independent judiciary and appropriate domestic remedies. Punitive and other action was needed to combat violation of human rights and constitutional rights.

69. The Working Group also noted that many States did not fully implement economic, social and cultural rights and that although national constitutions and international treaties binding on the State could provide for economic, social and cultural rights, effective implementation was often lacking. It seemed to the Working Group that some States were limiting their responsibilities to implement these rights, e.g. in the way the privatization of health care services was carried out.

70. A number of more specific obstacles, such as illiteracy, unemployment, inequities in land and income distribution and lack of respect for the right to housing were identified by the Working Group.

71. It was also stressed that the separation between economic/financial issues and the social/humanitarian dimension at the interagency level posed an obstacle, which could be considered as an institutional obstacle. The

comprehensive nature of development, including economic, social, cultural, political, environmental and other aspects was not fully understood in the planning and implementation of development strategies and policies.

72. A further obstacle was posed by the lack of good and effective governance. Corruption, mismanagement and lack of transparency and accountability continued to disrupt the implementation of the right to development.

73. Also, the lack of a clean environment, the mismanagement of natural resources and the weak implementation of relevant environmental treaties posed an obstacle.

74. A major obstacle related to the civil wars, internal conflicts and internal violence that continued to plague many States and regions. It was important to reinforce respect for human rights, tolerance and democratic structures to prevent conflicts from erupting.

75. In the final analysis, implementation of the right to development hinged on how well civil society and the contribution of each and every individual could be mobilized. A crucial obstacle identified by the Working Group was the apparent lack of participation of women, minorities and indigenous peoples and other vulnerable groups in the development process. Political and popular participation were also inadequate. There should be active involvement of real grass-roots movements at the local level and the people themselves should act as a watchdog over the implementation of national development strategies. To empower the people and prevent the exclusion of vulnerable groups, education and training in civic responsibilities, human rights and fundamental freedoms and active participation had to be made more effective.

76. Finally, the Working Group thought that indicators established by governments in accordance with their different conditions, could assist in identifying obstacles to the realization of the right to development at the individual, national, regional and international levels, and could represent a more active approach to removing obstacles. Such indicators could also function as minimum standards for individual components of the development process or the realization of economic, social and cultural rights, as the Committee on Economic, Social and Cultural Rights has recommended to States parties.

IV. CONCLUSIONS AND RECOMMENDATIONS

77. The Working Group recommends that the international community continue its efforts towards making the right to development operational, taking into account the variety of obstacles listed in the corresponding chapter of its report, particularly in the light of some of the grave consequences caused by recent changes in the world economy.

78. It recommends that the process of consultations with international agencies, programmes and bodies of the United Nations system, Governments and other concerned agents continue on the basis of the guidelines and check-lists set out in the first report of the Working Group, and that agencies which have not responded in those terms be encouraged to do so.

79. The right to development highlights the indivisibility and universality of human rights, be they civil and political, or economic, social and cultural. In its implementation, one should therefore avoid making sharp distinctions between different categories of internationally recognized human rights.

80. The Working Group has noted that international agencies have not incorporated in their mandates the principles set out in the Declaration on the Right to Development. The Group recommends that the United Nations system take the necessary measures for the Declaration on the Right to Development to be incorporated in all their programmes.

81. In giving emphasis to the human rights aspect of development, and to make this right operational, there is a need, among other things, to encourage Governments to establish indicators by which to evaluate progress made in the realization of this right with, eventually, ways in which remedies can be sought in the event of lack of progress for particular groups. That these indicators must take into account the different conditions within individual countries, as well as differences between countries at a given stage of their development, are issues to be taken up in discussions with, among others, the treaty bodies.

82. The Working Group took note of the World Plan of Action on Education for Human Rights and Democracy adopted by the UNESCO International Congress on Education for Human Rights and Democracy (Montreal, Canada, 8-11 March 1993), and proposed that more information be requested with a view to studying the possibilities offered by the Plan of Action for the implementation of the right to development by the specialized agencies.

83. While the questions of development are approached either sectorally or thematically by a wide variety of agencies and programmes, only the Committees established under the two Covenants hold States responsible for the implementation of the rights to which they have subscribed by adhering to international treaties.

84. These international implementation procedures should be strengthened. In this context, particular attention should be paid to the International Covenant on Economic, Social and Cultural Rights. Any progress in implementing economic, social and cultural rights, and any step taken by the international community to make those rights more effective, would help to further the implementation of the Declaration on the Right to Development. The Working Group considers that greater political will should be demonstrated for the better implementation of economic, social and cultural rights.

85. The Working Group expects the High Commissioner for Human Rights to multiply efforts in order to ensure that all international agencies and bodies within the system pay the most serious attention to the need to make the right to development operational.

86. The implementation of the Declaration on the Right to Development is a collective responsibility of the United Nations system as a whole, implying

greater coordination of strategies and programmes, more effective cooperation in the field, permanent consultation among the specialized agencies, and improved circulation of information between them.

87. In order to facilitate the coordination needed for concerted implementation of the Declaration on the Right to Development, it would be desirable for each agency to establish, assign special responsibility to or develop an administrative unit for that purpose.

88. Since the right to development implies an integrated approach to political, social, economic and cultural rights as a whole, care should be taken to avoid dissociating the economic and monetary aspects of development from its social aspects and to enhance the dialogue between international social and humanitarian agencies and international institutions responsible for financial and trade questions.

89. The Governments of Member States have a contribution to make to strengthening the role of the United Nations system in implementing the Declaration on the Right to Development, for which purpose they should see to it that the resolutions they have adopted in the United Nations General Assembly and the Economic and Social Council set objectives for the various specialized agencies which are at the same time global, precise and achievable.

90. It would be desirable for international financing for development to encourage the implementation of the right to development, bearing in mind the indivisibility and interdependence of its component elements. Hence the need for criteria taking account of that indivisibility and interdependence of human rights and for greater transparency in the distribution of development support funds.

91. The globalization of the economy increases the responsibility of the international community in regard to the implementation of the Declaration on the Right to Development. Ways and means of strengthening international cooperation and solidarity need to be explored. The establishment of new rules governing international trade relations cannot by itself protect the interests of the developing countries, and it is therefore necessary to enhance international dialogue to this effect. In particular, efforts should be made to ensure that developing countries do not lag behind as a result of new rules governing international trade relations.

92. The Working Group intends to pursue its exchanges of views with the Chairpersons of the various human rights treaty bodies, in order to envisage common methods for the evaluation of progress made by local, national, regional and international institutions in the implementation of the right to development.

93. The economic aspects of development seem to receive preference from funding bodies and donors over social aspects. Development assistance is not apportioned among specialized international agencies according to objective criteria related to the basic needs of individuals and population groups; the requirements of growth, production and productivity seem to win out over

considerations that would make the human person "the central subject of development" as called for in article 2 of the Declaration on the Right to Development.

94. The consideration of the programmes and activities of the international institutions and specialized agencies show how far the globalization of the economy seems to be the most important change of our era, one in whose light the application of the Declaration on the Right to Development today needs to be studied. The increasingly clear consequences of this globalization of the economy are a reduction in States' room to manoeuvre and the ever more relative nature of their influence on the enjoyment of the right to development. At the same time, international cooperation seems more and more essential to the universal enjoyment of this right. The corollary to the globalization of the economy, then, is a strengthening of solid, productive international fellow-feeling: otherwise the application of the Declaration on the Right to Development will be, if not a vain, then at least an inadequate exercise.

Notes

1/ Because of 12 May being an official holiday, the Working Group could not meet on that particular day.

2/ Mr. Jorge Lago Silva attended on 2-6 May 1994, as the alternate to Mr. Martínez.

Annex I

LIST OF PARTICIPANTS

Members

Mr. D.D.C. Don Nanjira (Kenya)

Mr. Mohamed Ennaceur (Tunisia)

Mr. Alexandre Farcas (Romania)

Mr. Orobola Fasehun (Nigeria)

Mrs. Ligia Galvis (Colombia)

Mr. Stuart Harris (Australia)

Mr. Stéphane Hessel (France)

Mr. Serguei Kossenko (Russian Federation)

Mr. Osvaldo Martínez/Mr. Jorge Lago Silva* (Cuba)

Mr. Niaz A. Naik (Pakistan)

Mr. H. Pedro Oyarce (Chile)

Mr. Pang Sen (China)

Mr. Allan Rosas (Finland)

Mr. Haron Bin Siraj (Malaysia)

Mr. Vladimir Sotirov (Bulgaria)

States members of the Commission on Human Rights represented by Observers

ANGOLA	Mr. A. Parreira
BRAZIL	Mr. A.L. Espinola Salgado
CUBA	Mr. C. Adolfo
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* Alternate expert nominated in accordance with paragraph 12 of Commission on Human Rights resolution 1994/22.

MEXICO	Mr. A. Abarca
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ALGERIA	Mr. L. Soualem
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SENEGAL	Mr. A.A. Ndiaye
ZIMBABWE	Mr. M. Chikorowondo Mrs. J.N. Ndaona

United Nations bodies

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

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ECONOMIC COMMISSION FOR EUROPE

Mr. Y. Berthelot
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Mr. L. Ludvigsen

UNITED NATIONS CHILDRENS FUND

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UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT

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UNITED NATIONS DEVELOPMENT PROGRAMME

Mr. A. Français

UNITED NATIONS ENVIRONMENT PROGRAMME

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Mr. R. El Heneidi
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Mr. S. Radwan
Ms. J. Hodges

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

Mr. P. Malhotra

WORLD BANK

Mr. A. Capitani

INTERNATIONAL MONETARY FUND

Mr. G.B. Taplin
Mr. P. Cirillo

Intergovernmental organizations

LEAGUE OF ARAB STATES

Mr. A. Harguem

Non-governmental organizations

Category I

ZONTA INTERNATIONAL

Mrs. D. Bridel

Category II

AFRICAN ASSOCIATION OF EDUCATION FOR DEVELOPMENT

Mr. C.M. Eya Nchama

FRIENDS WORLD COMMITTEE FOR CONSULTATION (QUAKERS)

Ms. C. Turner

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Mr. M. Ibarra

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WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM

Ms. J. Bruin
Ms. I. Velasquez Avieda

Annex II

AGENDA

1. Adoption of the agenda.

2. Follow-up to the recommendations of the first session.

3. Procedure and methodology of work.

4. Implementation of the Declaration on the Right to Development by the international organizations.

Annex III

LIST OF DOCUMENTS

Documents prepared for the session

E/CN.4/AC.45/1994/1	Provisional agenda
E/CN.4/AC.45/1994/1/Add.1	Annotations and background information to the provisional agenda
E/CN.4/AC.45/1994/2 and Add.1	Report of the Secretary-General submitted in accordance with Commission resolution 1993/22

Background and reference documents

E/CN.4/1994/21 and Corr.1-2	Report of the Working Group on the Right to Development on its first session
E/CN.4/1994/17 and Add.1	Comprehensive report of the Secretary-General prepared in pursuance of Commission on Human Rights resolution 1993/12
E/CN.4/1994/NGO/16	Written statement submitted by the Centre Europe-Tiers Monde, a non-governmental organization on the Roster
E/CN.4/1994/NGO/34	Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II)
E/CN.4/1994/NGO/50	Written statement submitted by the Human Rights Advocates, a non-governmental organization in consultative status (category II)
E/1994/24-E/CN.4/1994/132	Report of the Commission on Human Rights on the fiftieth session

E/CN.4/1994/SR.12-19 and 46	Summary records of the Commission on Human Rights at its fiftieth session concerning agenda item 7, "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights including: problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development: (a) popular participation in the various forms as an important factor in development and in the full realization of all human rights".
A/49/24	Report of the first meeting of the Preparatory Committee for the World Summit for Social Development
A/CONF.171/PC/5	Draft programme of action of the International Conference on Population and Development: note by the Secretary-General
E/CN.6/1994/9	Preparations for the Fourth World Conference on Women: Action for Equality, Development and Peace: report of the Secretary-General

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